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# ***Public Utilities Commission of the State of California***

## ***Results of Public Agenda 3165***

***Meeting Held on Thursday, January 12, 2006 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Geoffrey F. Brown**

**Rachelle B. Chong**

**Dian M. Grueneich**

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings**

**505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Monday, January 23, 2006 (San Francisco)	Thursday, January 26, 2006 (San Francisco)
Tuesday, February 14, 2006 (San Francisco)	Thursday, February 16, 2006 (San Francisco)
Monday, February 27, 2006 (San Francisco)	Thursday, March 02, 2006 (San Francisco)
Monday, March 13, 2006 (San Francisco)	Wednesday, March 15, 2006 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor  
(415) 703-2074 E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

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## PUBLIC COMMENT

**The following items are not subject to public comment:**

- All items on the closed session agenda; these are HEX and EX items.
- 

### Public Comment:

Re 47:

Colleen Tan, Gabrielino High School: Tongva Eco-fuel Research Association, San Gabriel, CA  
Cynthia Li, San Francisco, CA  
Dan Beam, San Francisco, CA  
David H. Lomman, Apollo Power, Santa Cruz, CA  
Dr. Woodrow Clark, LA Community College Dist & Milken Institute, Los Angeles, CA  
Elliot Hoffman, New Voice of Business, San Francisco, CA  
Howard Wengel, Power Light, Berkeley, CA  
Jennette Gayer, Environment California, Sacramento, CA  
John Schlag, Novato, CA  
Juan Carlos Collins, San Francisco, CA  
Lee Ackerson, Ben Lomond, CA  
Maria Rock, Butte Valley, CA  
Mary Luevano, Global Green USA, Santa Monica, CA  
Paul Sheldon, Presidio School of Management, Mill Valley, CA  
Tim Li, San Francisco, CA

### Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Orders and Resolutions

**1**

[5129]

**A03-10-048 - FreedomStarr Communications, Inc. (FreedomStarr) and AmericanFone, LLC (AmericanFone).**

This decision grants the joint application of FreedomStarr and AmericanFone, collectively Applicants, for approval of the transfer of control of FreedomStarr to AmericanFone. The approval is prospective in nature. At Applicants' request, FreedomStarr's certificate of public convenience and necessity is limited to the provision of resold local exchange and interexchange telecommunications services. Also, the decision imposes a fine of \$500 for failure to obtain advance approval of the transfer. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

**Outcome Signed**

D06-01-003

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**2**

[5097]

**Res ALJ 176-3165**

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

**Outcome Approved**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**3**

[5132]

**A05-06-003 - Southern California Edison Company (SCE).**

For order approving contracts to secure additional capacity for system reliability in SP-15. This decision grants SCE's motion to withdraw this application and closes this proceeding.

(Comr Grueneich - ALJ Vieth)

**Outcome Signed**

D06-01-004

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**4**

[5167]

**I97-07-018 - Investigation on the Commission's own motion into the operations, practices, rates and charges of the Hillview Water Company, Inc., a corporation, and Roger L. Forrester, the principal shareholder and president.**

This decision grants, subject to conditions required by statute and precedent, the unopposed Petition for Modification filed by Bradford Ditton, seeking revision of D01-10-025 to create an exception from the moratorium on new service connections in the Oakhurst-Sierra Lakes service area of Hillview Water Company (Hillview) for those who agree to drill a new well to provide water for their own supply needs and to make the surplus supply available to Hillview. This proceeding is closed.

(Comr Peevey - ALJ Vieth)

**Outcome Signed**

D06-01-005

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**5**

[5168]

**C05-03-010 - City and County of San Francisco vs. NextG Networks of California, Inc.**

This decision denies the City and County of San Francisco's complaint against NextG Networks of California, Inc. (NextG). This decision concludes that NextG did not violate D03-01-061, granting it a certificate of public convenience and necessity to provide competitive local exchange carrier services, by providing radio frequency transport services to wireless carriers. NextG timely exercised that authority and did not misrepresent its scope. This proceeding is closed.

(Comr Brown - ALJ Grau)

**Outcome Signed**

D06-01-006

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**6**

[5169]

**A05-04-004 - Southern California Edison Company (SCE).**

This decision finds SCE's administration of power purchase agreements and procurement of least cost dispatch power activities for the period beginning January 1, 2004 and ending December 31, 2004 (Record Period) reasonable and prudent. This decision also finds that its \$171.9 million undercollected Energy Resource Recovery Account, \$12.6 million Palo Verde Nuclear Unit Incentive Procedure reward amount, \$6.7 million undercollected Electrical Energy Transaction Administration Memorandum Account, and other regulatory account balances at December 31, 2004 identified in the body of this order reasonable and recoverable. This proceeding is closed.

(Comr Peevey - ALJ Galvin)

**Outcome Signed**

D06-01-007

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**7**

[5170]

**Res E-3967 - San Diego Gas & Electric Company (SDG&E).**

SDG&E requests the Commission's authorization to establish a memorandum account to record third-party costs associated with certain procurement-related activities. (Advice Letter 1744-E, filed November 16, 2005)

**Outcome Approved**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**8**

[5173]

**Res ALJ-189**

In the matter of the appeal of Citation FC-015 - GGG Limousine. This resolution affirms the Citation pursuant to Resolution ALJ-187.

**Outcome Approved**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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- 9**  
[5175]      **Res G-3365 - Southern California Gas Company (SoCalGas).**  
SoCalGas requests approval of 2003 shareable earnings under its Performance-Base Ratemaking mechanism. SoCalGas' request is conditionally approved. (Advice Letter (AL) 3386, filed June 22, 2004; AL 3386-A, filed April 28, 2005)  
**Outcome    Approved**  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 10**  
[5176]      **Res TL - 19068**  
This resolution adjusts the rates in Maximum Rate Tariff 4 (MAX 4), governing the transportation of used household goods and personal effects by household goods carriers, and making other non-substantial corrections to MAX 4.  
**Outcome    Approved**  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 11**  
[5177]      **A05-06-026 - Sea Planes, Incorporated.**  
This decision grants the application of Sea Planes, Incorporated to amend its certificate of convenience and necessity by adding authority to include non-scheduled service to and from all navigable harbors and coves on Santa Catalina Island (Catalina) to and from Marina del Rey on the mainland and the City of Avalon and the Two Harbors area on Catalina. A protest by another vessel operator has been withdrawn. Application 05-06-026 is closed.  
(Comr Bohn - ALJ Walker)  
**Outcome    Signed**  
D06-01-008  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 12**  
[5179]      **Res W-4579 - Mar Vista Water Company (MVWC).**  
This resolution authorizes MVWC major system improvement, pay back missing Safe Drinking Water Bond Act collected surcharge money and a general rate increase producing additional annual revenue of \$45,365 or 61.34% in test year 2005.  
**Outcome    Approved**  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
-

**13**

[5180]

**Res W-4580 - Fruitridge Vista Water Company.**

This resolution vacates Ordering Paragraph No. 3 of Resolution W-4513. (Advice Letter 78, filed July 13, 2005)

**Outcome Approved**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**14**

[5181]

**A05-07-003 - Island Navigation Company, Inc., dba Catalina Island Water Transportation Company, and Island Enterprises, Inc.**

This decision authorizes Island Navigation Company, Inc. to transfer its vessel common carrier certificate to Island Enterprises, Inc. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D06-01-009

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**15**

[5182]

**A05-06-022 - U.S. West Shuttle LLC (Applicant).**

This decision authorizes Applicant to operate as a passenger stage corporation (1) between Los Angeles International Airport and San Gabriel, and (2) between Downtown Los Angeles, San Gabriel, El Monte, and Rowland Heights; and to establish a zone of rate freedom. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D06-01-010

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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- 16**  
[5183]      **A05-09-010 - Aero Airport Shuttle and Charter Service LLC (Applicant).**  
This decision authorizes Applicant to operate as a passenger stage corporation between points in Lake County and Sacramento International Airport; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
**Outcome Signed**  
D06-01-011  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 17**  
[5186]      **Res W-4578 - Lake Alpine Water Company, Inc. (Lake Alpine).**  
This resolution authorizes Lake Alpine a surcharge to recover an increase in water quality expenses producing an increase in a one-time revenue of \$2,963.92 or a one-time surcharge of \$6.31 to each customer's bill. (Advice Letter 70, filed May 19, 2005)  
**Outcome Approved**  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 18**  
[5188]      **Res W-4581 - Lake Alpine Water Company, Inc. (Lake Alpine).**  
This resolution authorizes Lake Alpine an interim consumer price index-urban increase, subject to refund or increase, producing an increase in gross annual revenue of \$10,215 or 3.3%. (Advice Letter 71, filed October 12, 2005)  
**Outcome Approved**  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 19**  
[5190]      **Res W-4582 - Cazadero Water Company (CWC).**  
This resolution authorizes CWC a general rate increase producing additional annual revenue of \$18,362 or 57.83% in test year 2005.  
**Outcome Approved**  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
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**20**

[5191]

**Res T-16977 - Sierra Telephone Company, Inc. (Sierra).**

This resolution approves a CMRS Interconnection Agreement between Sierra and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and ALJ-181. (Advice Letter 340, filed November 2, 2005)

**Outcome Held (1/26/06, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**21**

[5192]

**Res T-16978 - Calaveras Telephone Company (Calaveras).**

This resolution approves a CMRS Interconnection Agreement between Calaveras and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 286, filed October 21, 2005)

**Outcome Held (1/26/06, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**22**

[5193]

**Res T-16979 - Cal-Ore Telephone Company (Cal-Ore).**

This resolution approves a CMRS Interconnection Agreement between Cal-Ore and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 307, filed October 21, 2005)

**Outcome Held (1/26/06, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**23**

[5194]

**Res T-16980 - Ducor Telephone Company (Ducor).**

This resolution approves a CMRS Interconnection Agreement between Ducor and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 307, filed October 21, 2005)

**Outcome Held (1/26/06, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 24**  
[5195]      **Res T-16982 - Foresthill Telephone Company (Foresthill).**  
This resolution approves a CMRS Interconnection Agreement between Foresthill and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 258, filed October 21, 2005)  
**Outcome   Held (1/26/06, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 25**  
[5196]      **Res T-16983 - Kerman Telephone Company (Kerman).**  
This resolution approves a CMRS Interconnection Agreement between Kerman and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 344, filed October 21, 2005)  
**Outcome   Held (1/26/06, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 26**  
[5197]      **Res T-16984 - Pinnacles Telephone Company (Pinnacles).**  
This resolution approves a CMRS Interconnection Agreement between Pinnacles and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 219, filed October 21, 2005)  
**Outcome   Held (1/26/06, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 27**  
[5198]      **Res T-16985 - Siskiyou Telephone Company (Siskiyou).**  
This resolution approves a CMRS Interconnection Agreement between Siskiyou and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 335, filed October 21, 2005)  
**Outcome   Held (1/26/06, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)

- 28**  
[5199]      **Res T-16986 - Volcano Telephone Company (Volcano).**  
This resolution approves a CMRS Interconnection Agreement between Volcano and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 324, filed October 21, 2005)  
**Outcome Held (1/26/06, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 29**  
[5200]      **Res T-16987 - Ponderosa Telephone Company (Ponderosa).**  
This resolution approves a CMRS Interconnection Agreement between Ponderosa and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 349, filed October 27, 2005)  
**Outcome Held (1/26/06, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 30**  
[5201]      **Res T-16988 - Global Valley Networks, Inc. (Global Valley).**  
This resolution approves a CMRS Interconnection Agreement between Global Valley and Sprint Spectrum L.P. dba Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 369, filed October 21, 2005)  
**Outcome Held (1/26/06, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 31**  
[5202]      **A05-09-004 - Sacramento Regional Transit District.**  
This decision grants the request of the Sacramento Regional Transit District to construct two new at-grade pedestrian/rail crossings over the tracks of the Union Pacific Railroad Company in Sacramento County. This proceeding is closed.  
(Exam Clark)  
**Outcome Signed**  
D06-01-012  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

**32**

[5204]

**Res E-3964 - Pacific Gas and Electric Company (PG&E).**

This resolution approves PG&E's request to transfer \$18.4 million from its Advanced Metering and Demand Response Account to its Distributed Revenue Adjustment Mechanism to recover through distribution rates the October 2004 through July 2005 expenditures for the implementation and operation of the demand response programs, Advance Metering Infrastructure project development costs, and the continuation of the Statewide Pricing Pilot and Automated Demand Response System in Rulemaking 02-06-001. (Advice Letter 2701-E, filed August 18, 2005)

**Outcome Approved**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**33**

[5205]

**A05-09-014 - Datta Transport Systems LLC dba EZ Ride Shuttle (Applicant).**

This decision authorizes Applicant to establish a zone of rate freedom of 20% above and below its current fares for its passenger stage corporation service. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D06-01-013

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**34**

[5206]

**A05-09-021 - Bhupinder K. Saini and Kamaljeet Singh.**

This decision authorizes Bhupinder K. Saini to transfer East Bay Express Airporter, a passenger stage corporation to Kamaljeet Singh. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D06-01-014

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**35**

[5207]

**A05-11-002 - Nordar Systems LLC (Applicant).**

This decision authorizes Applicant to operate as a passenger stage corporation between points in the Counties of Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D06-01-015

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**36**

[5208]

**Res TL-19069 - Transportes Californias, Inc. (Applicant).**

This resolution grants Applicant a passenger stage corporation certificate to conduct scheduled intrastate transportation service on routes over which it provides interstate service under its federal operating authority.

**Outcome Approved**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**37**

[5209]

**I02-11-008 - Order Instituting Investigation into statements by SBC Communications, Inc. and SBC Pacific Bell regarding potential reductions to service quality.**

This decision closes this investigation because the Commission's Telecommunications Division did not find a correlation between service quality reductions and the Pacific Bell Telephone Company (dba SBC California) workforce reductions that are the subject of this investigation, and no party objected to its closure. This proceeding is closed.

(Comr Grueneich - ALJ O'Donnell)

**Outcome Signed**

D06-01-016

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**38**

[5212]

**A05-07-019 - Matthew Duane Thomas, dba MT Express (Applicant).**

This decision authorizes Applicant to operate as a passenger stage corporation between Temecula and Downtown San Diego, and to establish a zone of rate freedom. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D06-01-017

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**39**

[5217]

**A05-02-016 - California Water Service Company (Cal Water).**

This decision allows Cal Water to establish a memorandum account to record approximately \$7.5 million of projected costs for complying with new federal arsenic treatment standards for the Kern River Valley District. This application is closed.

(Comr Grueneich - ALJ Thomas)

**Outcome Signed**

D06-01-018

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**40**

[5218]

**A05-09-028 - Park Water Company.**

This decision authorizes Park Water Company to issue new series of First Mortgage Bonds in the aggregate principal amount not to exceed \$15,000,000, to be secured by an indenture, as amended and restated, and to be further supplemented. This proceeding is closed.

(Exam Coughlan)

**Outcome Signed**

D06-01-019

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**41**

[5221]

**A04-12-014 - Southern California Edison Company (SCE).**

I05-05-024 - Related matters. This decision authorizes SCE to establish a memorandum account to track the change in revenue requirement adopted in this proceeding during the period between January 12, 2006 and the effective date of the final decision. For that same time period, it also authorizes San Diego Gas & Electric Company to establish a memorandum account to track the change in revenue requirement related to its interest in the San Onofre Nuclear Generating Station.

(Comr Brown - ALJ Fukutome)

**Outcome Signed**

D06-01-020

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**42**

[5225]

**A05-01-026 - Pacific Gas and Electric Company (PG&E) and Bay Point Venture One, LLC (BP1).**

This decision grants PG&E authorization pursuant to Section 851 to convey a 2.01 acre parcel of land located in the unincorporated Bay Point area of Contra Costa County (Property A) to BP1. The decision also exempts PG&E's previous sale of 42.93 acres of adjacent land (Property B) to Bigge Crane & Rigging Company (Bigge Crane), BP1's predecessor in interest, in 2001 and subsequent conveyance of Property B to BP1 in 2002 from the requirements of Section 851 and approves these transactions on a prospective basis, pursuant to Section 853(b). The decision denies PG&E's request for retroactive approval of this transaction under Section 851. The decision defers consideration of the allocation of PG&E's gain resulting from the sale of Property A and Property B until after the Commission has issued a decision in the gain on sale rulemaking (R04-09-003).

This proceeding is closed.

(Comr Brown - ALJ Prestidge)

**Outcome Signed**

D06-01-021

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**43**

[5228]

**Res E-3970 - Pacific Gas and Electric Company (PG&E).**

This resolution grants an exclusive easement as requested by PG&E that allows the Shiloh I Wind Plant Project to install an electric distribution line across PG&E's 500 kV Right of Way. This installation was reviewed and approved by the County in their Shiloh Wind Farm Environmental Impact Report. The property is located in southeastern Solano County. The Shiloh Project involves the construction of 120 wind turbines and approximately 180 megawatts of electricity.

**Outcome Approved**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**44**

[5229]

**A04-08-015 - North County Transit District (NCTD).**

This decision grants NCTD's request to construct four in-station pedestrian at-grade crossings at three Light Rail Transit (LRT) stations in connection with the Sprinter LRT project in the City of San Marcos, San Diego County. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D06-01-022

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**45**

[5230]

**A04-08-016 - North County Transit District (NCTD).**

This decision grants NCTD's request to construct fourteen in-station pedestrian at-grade crossings at ten Light Rail Transit (LRT) stations in connection with the Sprinter LRT project in the Cities of Oceanside, Vista, and Escondido, and San Diego County.

This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D06-01-023

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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## Regular Agenda

### Energy Orders

**46**

[5171]

**R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.**

This decision addresses the Petition for Clarification of D03-09-052 filed on May 10, 2005, by the Regents of the University of California on behalf of the University of California, Davis. D03-09-052 addressed issues relating to a “cost responsibility surcharge” for customers who met a portion of their requirements through bundled service from Pacific Gas and Electric Company on or after February 1, 2001 and the remainder through the Western Area Power Administration on a “split wheeling” basis.

(Comr Brown - ALJ Pulsifer)

**Outcome Held (1/26/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**47**

[5172]

**R04-03-017 - Order Instituting Rulemaking regarding policies, procedures and incentives for distributed generation and distributed energy resources.**

The California Public Utilities Commission recently underscored its commitment to solar resources for assuring the reliability of the state’s electricity system in Decision 05-12-044, which increased funding for incentives to solar projects by \$300 million in 2006. That order stated the Commission's intent to develop additional policies and program elements designed to promote solar development. This decision accomplishes that, by making a commitment to provide \$2.8 billion of incentives toward solar development over 11 years. The decision also herein develops complementary policies and rules, sets new incentive levels, and addresses program administration. The Commission refers to the program as the “California Solar Initiative” or CSI.

(Comr Peevey - ALJ Malcolm)

**Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration. Comr. Brown reserves the right to file a dissent.)**

D06-01-024

Yes: (Chong, Grueneich, Peevey)

No: (Brown)

Abstain: (none)

Absent: (none)

**48**

[5241]

**R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.**

This decision considers Pacific Gas and Electric Company's request to purchase and deliver gas, as needed for electric and gas system reliability purposes, to supply generating units under the California Independent System Operator reliability must run contracts with Calpine Company and its affiliates, and for authorization to recover from its ratepayers the costs associated with these activities.

(Comr Peevey - ALJ Brown)

**Outcome Held (1/26/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Telecommunication Orders****49**

[5130]

**R93-04-003 - Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks.**

I93-04-002 - Related matters. This decision, in the "Verizon UNE phase" of OANAD, sets unbundled network element (UNE) rates for Verizon California and price floors for Category II services. Rates are set using the HM 5.3 model proposed by AT&T and MCI, and include a 9.89% cost of capital and an overhead markup of 8.93%. The average basic loop rate is \$14.07, a 24% increase from the \$11.36 interim loop rate set in D05-01-057. The new flat monthly port rate is \$3.12. The Verizon models are rejected as not forward-looking. Verizon must calculate billing adjustments of interim rates to the rates in this order, but payment of any billing adjustment is stayed pending further proceedings to determine payment options. With regard to price floors, the Commission agrees to modify D99-11-050 and remove unbundled switching from the price floor calculation. Verizon is directed to file a compliance filing updating its price floor calculations based on the methodology used in D03-03-033, updated to reflect the UNE prices in to-day's order.

(Comr Peevey - ALJ Duda)

**Outcome Held (1/26/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Telecommunication Resolutions and Reports****50                    Res T-16968 - The Siskiyou Telephone Company.**

[5110]

This resolution authorizes California High Cost Fund - A support of \$4,718,043 for The Siskiyou Telephone Company for the year 2006. An intrastate total operating revenue of \$8,992,167 and a total intrastate rate base amount of \$18,754,728 with an authorized overall Rate of Return of 10.00% are adopted for the test year 2006. This resolution is in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 331, filed July 15, 2005)  
Agenda 3164, Item 54 12/15/2005 (Brown)

**Outcome   Held (1/26/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**51                    Res T-16981 - Verizon California, Inc. (Verizon).**

[5163]

Verizon requests authority to change affiliate, Verizon Online's language on Schedule Cal P.U.C. No. A-40, Custom Calling Services to exclude a specific product offer, 768 Kbps DSL Online Service offered at a term or month-to-month rate of \$14.95, from the monthly bundle discount. (Advice Letters 11295 and 11295A, filed September 16, 2005 and September 22, 2005 respectively)

**Outcome   Approved**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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**Water/Sewer Orders****52**

[5107]

**A05-02-004 - Southern California Water Company (SCWC).**

This decision authorizes SCWC to increase rates in its Region III service area: Barstow, Calipatria, Claremont, Apple Valley, Morongo Valley, Los Alamitos, Placentia, San Dimas, San Gabriel, and Wrightwood. This proceeding is closed.

(Comr Grueneich - ALJ Bushey)

Agenda 3164, Item 55 12/15/2005 (Bohn)

**Outcome Signed (Comr. Bohn reserves the right to file a concurrence.)**

D06-01-025

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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**Transportation/Rail Safety Orders****53 (Rev.)      A04-06-030 - City of Petaluma.**

[5089]

The City of Petaluma (Petaluma) is authorized to relocate an at-grade crossing of the railroad tracks of the Sonoma Marin Area Transit District (SMART) according to the design set out in the Supplement to Application and the conditions set forth in this decision. Petaluma's authorization continues as long as no passenger rail service operates along the SMART tracks. This authorization shall expire in the event that passenger rail service initiates along the SMART tracks because the institution of passenger rail service may affect the safety, and may require changes in the rail crossing. In the event passenger rail service commences along the SMART railroad tracks, Petaluma must apply to the Commission for continued authorization of this at-grade crossing. Additionally, if Petaluma extends Caulfield Lane past Hopper Street, Petaluma must make any changes to the design or signalization of the intersection of Hopper Street and Caulfield Lane and the railroad crossing required by the Commission's Consumer Protection and Safety Division's Rail Crossing Engineering Section prior to extending Caulfield Lane past Hopper Street. This proceeding is closed.

(Comr Grueneich - ALJ Econome)

Agenda 3164, Item 56 12/15/2005 (Staff)

01/06/2006 - This revision was not shown on the Agenda mailed to the public.

**Outcome   Held (1/26/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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## Administrative Law Judge Division Reports and Resolutions

**54**

**Res ALJ -188**

[5174]

This resolution adopts interim rules governing electronic filing of documents during the electronic filing pilot period.

**Outcome Held (2/16/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Legal Division Matters****55**

[5088]

**WC Docket No. 05-271**

Notice of Proposed Rulemaking on Consumer Protection re Broadband Services. Recommendation that the Commission participate in FCC proceeding that seeks comment on consumer protection measures for broadband Internet access services. These measures include customer privacy, slamming/cramming, truth-in-billing, network outage reporting, discontinuance of service, and statutory rate averaging requirements.

Agenda 3163, Item 33 12/1/2005 (Kennedy)

**Outcome Held (1/26/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**56**

[5189]

**FERC Docket No. AD05-17-000**

Section 1815 of the Energy Policy Act of 2005 requires an interagency task force, the Electric Energy Market Competition Task Force, to conduct a study of competition in wholesale and retail markets for electric energy in the United States. The purpose of this study is to analyze and report to Congress on the critical elements for effective wholesale and retail competition, the status of each element, impediments to realizing each element, and suggestions for overcoming these impediments. Staff seeks Commission authorization to file comments in this Docket on or after January 12, 2006.

**Outcome Approved-Staff Recommendation**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**57**

[5203]

**FCC RM 11299**

The FCC has issued a rulemaking asking for comment on a BellSouth petition to change the methodology for assessing the costs of local number portability. Staff seeks authority to file comments in response.

**Outcome Approved-Staff Recommendation**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**58**

[5226]

**FERC Docket AD06-2-000**

On November 3, 2005, the Federal Energy Regulatory Commission ("FERC") issued a Notice of Proposed Voluntary Survey and Technical Conference. Many of the questions posed involve demand response issues currently being explored by both the CPUC and the California Energy Commission (CEC). To assist FERC staff in formulation of issues for the technical conference scheduled for January 2006, the CPUC staff and the CEC jointly filed a motion for leave to file out-of-time comments on demand response issues.

CPUC Staff seeks the Commission's ratification of the comments filed in FERC Docket AD06-2-000 on December 23, 2005.

**Outcome Approved-Staff Recommendation**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**59**

[5242]

**Res L-328**

This resolution authorizes the disclosure of records concerning a Consumer Protection and Safety Division, Railroad Operations Safety Branch, investigation of an incident involving a Union Pacific Railroad employee on train tracks at the Valero Refinery in Benicia, California, on August 1, 2003.

**Outcome Approved**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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## Legislative Matters - Discussion

**60**

[5227]

### **2006 Legislative Package**

Consideration of the 2006 Legislative Package.

#### **Outcome   Approved-Staff Recommendation**

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the*

### Non-Federal

- 62**                      **A04-05-017 - Conference with Legal Counsel - Application for Rehearing**  
 [5122]                      Disposition of application for rehearing of D05-07-042 filed by the California Attorney General (AG). D05-07-42 amends Wiltel Communications LLC's (Wiltel) Certificate of Public Convenience and Necessity (CPCN) to remove on an interim basis the requirement that Wiltel apply for a CPCN for certain smaller construction projects. The Decision concludes that because of the CPCN requirement, Wiltel had been subject to a stricter level of California Environmental Quality Act (CEQA) review than its competitors.  
                                  Agenda 3163, Item 39 12/1/2005 (Kennedy);  
                                  Agenda 3164, Item 64 12/15/2005 (Kennedy)  
                                  **Outcome   Held (1/26/06.)**  
                                  Yes: (none)  
                                  No: (none)  
                                  Abstain: (none)  
                                  Absent: (none)
- 64**                      **A05-05-010 - Conference with Legal Counsel - Application for Rehearing**  
 [5216]                      A05-05-013, A05-05-029 - Related matters. The disposition of the applications for rehearing of Resolution (Res.) E-3929, filed by City of Morrow Bay and the Coastal Alliance on Plant Expansion, and related petition for modification of the resolution, filed by Pacific Gas and Electric Company. Res. E-3929 involves the Commission's approval of PG&E's request of a three-year tolling agreement with Duke's Morro Bay Units 3 and 4.  
                                  **Outcome   Held (1/26/06.)**  
                                  Yes: (none)  
                                  No: (none)  
                                  Abstain: (none)  
                                  Absent: (none)